

Atty Harrison, Johnette (pro per Petitioner/mother)

Atty LeVan, Nancy (for Carolyn Falley Guardian/maternal grandmother)

Petition for Termination of Guardianship

Age: 12 years		<p>JOHNETTE HARRISON, mother, is petitioner.</p> <p>CAROLYN FALLEY, maternal grandmother, was appointed guardian on 11/2/2006.</p> <p>Father: John Bess Paternal grandfather: Deceased Paternal grandmother: Virginia Nelson Maternal grandfather: Deceased.</p> <p>Petitioner states it is in the best interest of the minor to terminate the guardianship. Petitioner alleges the guardian verbally abuses the minor by criticizing, attacking and belittling him. There has been physical abuse and constant fighting. Petitioner states she is capable and willing to care for her son.</p> <p>Declaration of Carolyn Falley filed on 12/17/12 states she is not willing to give up guardianship.</p> <p>Court Investigator Charlotte Bien's Report filed on 1/25/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 2/11/13. Minute order states the parties are directed to participate in mediation today at 1:00 p.m. As of 3/14/13 the following issues remain:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing on: <ul style="list-style-type: none"> a. Carolyn Falley (guardian/maternal grandmother) b. Nancy LeVan (attorney for Carolyn Falley) c. John Bess Jr. (minor) d. John Bess (father) e. Virginia Nelson (paternal grandmother)
Cont. from 021113			
Aff.Sub.Wit.			
✓ Verified			
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Notice of Hrg	X		
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Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: KT
Reviewed on: 3/14/13
Updates:
Recommendation:
File 1 - Bess

		<p>PUBLIC GUARDIAN, Trustee, is petitioner.</p> <p>Petition alleges the Public Guardian was appointed successor Trustee upon the removal of the former Trustee, Philip Pacella. In that capacity the Public Guardian has participated in litigation with the homeowners' association for the condo owned by the trust.</p> <p>After Phyllis E. Pacella died, her son Philip Pacella lived at the condo. The Association filed a "Complaint for Foreclosure of Lien and for Money Damages: for violations of its covenants and restrictions. Although the Association was aware of the Public Guardian's appointment, it continued to attempt service of its complaint on Mr. Pacella. When Mr. Pacella failed to answer the complaint, a default was entered in favor of the Association. Thereafter, months of negotiations resulted in a set-aside of the default and an agreement to resolve the underlying action.</p> <p>Probate Code § 16242 confirms that a trustee has the power to "settle a claim by or against the trust by compromise . . ." Although Petitioner asserts that no court approval is required given this code section, she nevertheless requests the Court's approval of the compromise. This litigation involves two entities, and affects individual beneficiaries, all of whom will be protected by a court order.</p> <p>A summary of the agreement is as follows: 1) the Public Guardian will pay to the association \$25,000, which covers all costs and fees (including attorney). The original default judgment was in excess of \$40,000. Petitioner did extensive research to determine which fines were valid and which dues were owed by the Trust due to Philip's failure to pay them. 2) The Public Guardian was to pay for December 2011 association dues, and pay an advance of dues owed for January-June 2012.</p> <p>Wherefore, the Public Guardian prays as follows:</p> <p>1. The Court approve the settlement as proposed.</p>	<p>NEEDS/PROBLEMS/COMMENT S:</p>
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	Video Receipt		
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	Status Rpt		
	UCC/JEA		
	Citation		
	FTB Notice		

Reviewed by: KT

Reviewed on: 3/14/13

Updates:

Recommendation:

File 2 - Pacella

(1) Waiver of Accounting and (2) Petition for Allowance of Commissions and Fees
and for (3) Final Distribution

DOD: 03/03/2011		JAMES RANDAHL BAILEY , Executor, is petitioner.		NEEDS/PROBLEMS/COMMENTS:	
		Account waived.		1. Petition states the attorney has already been paid \$3000 towards his statutory commission. Cal.Rules of Court, Rule 7.700 Compensation paid in advance states: (a) No compensation in advance of court order The personal representative must neither pay nor receive, and the attorney for the personal representative must not receive, statutory commissions or fees or fees for extraordinary services in advance of an order of the court authorizing their payment (b) Surcharge for payment or receipt of advance compensation In addition to removing the personal representative and imposing any other sanctions authorized by law against the personal representative or the attorney for the personal representative, the court may surcharge the personal representative for payment or receipt of statutory commissions or fees or fees for extraordinary services in advance of an order of the court authorizing their payment. The surcharge may include interest at the legal rate from the date of payment.	
		I&A - \$212,436.06			
		POH - \$212,436.06			
Cont. from					
	Aff.Sub.Wit.	Executor - Waives			
✓	Verified	Attorney - \$7,248.71			
	Inventory				
	PTC	Costs - \$1,378.78			
	Not.Cred.	Closing - \$500.00			
✓	Notice of Hrg	Petitioner states Attorney Koligian is entitled to a total statutory fee for ordinary services of \$7,248.71. In addition, Attorney Koligian, has advanced expenses of administration in the amount of \$1,378.75 and he should be allowed reimbursement of those costs which have been advanced. Pursuant to terms and conditions of the Stipulation for Payment of Attorney's Fees and Costs filed with the Court on 10/17/2012. The Attorney has been paid, as of 11/16/2012, the sum of \$3,000.00 towards his statutory commissions, leaving a balance due and owing to petitioner's attorney in the amount of \$5,627.46. Distribution, pursuant to decedent's Will, is to: Barry Bryan Bailey – 1/5 interest in real property, square picture of Great Grandfather, \$147.65 in cash. James Randahl Bailey – 1/5 interest in real property, 1993 Oldsmobile Cutlass Supreme, oval picture of Great Grandmother, \$147.65 in cash. Wendell Craig Bailey - 1/5 interest in real property, \$147.65 in cash. Steven Brett Bailey – 1/5 interest in real property, \$147.65 in cash. Adam Eric Bailey – 1/5 interest in real property, \$147.65 in cash.			
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	Conf. Screen				
	Letters			12/12/11	
	Duties/Supp				
	Objections				
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	Status Rpt				
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	Citation				
	FTB Notice				

Reviewed by: LV

Reviewed on: 03/14/2013

Updates:

Recommendation:

File 3 - Bailey

Petition for Authority for Personal Representative to Purchase Estate Property

DOD: 5/18/2012		HENRY T. PEREA , Executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS:					
		Petitioner states he and his wife, Yahaira Garcia-Perea are the residual beneficiaries of the estate.						
Cont. from								
	Aff.Sub.Wit.							
✓	Verified							
	Inventory							
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	FTB Notice							
<p>The 2004 Lexus RX330 is and asset of the estate and is listed on the inventory and appraisal with a value of \$17,500.00.</p> <p>Henry T. Perea proposes to purchase the 2004 Lexus RX330 for the sum of \$17,500.00 payable in cash.</p> <p>Pursuant to the terms of the will the Lexus would pass to Henry T. Perea and Yahaira Garcia-Perea.</p> <p>The estate consists of two assets, the Lexus and the decedent's residence. The residence has no equity. The Estate has creditor's claims totaling \$146,314.33. If the proposed transaction is approved, the Estate will have cash to pay towards its creditor's claims. Moreover, all known expenses of the administration have not been paid.</p> <p>Yahaira Garcia-Perea consents to the proposed action.</p> <p>The transaction contemplated is in the best interest of the estate because it will generate cash to pay the expenses of administration and creditors and because it is selling for its full market value.</p>			<table border="1"> <tr> <td>Reviewed by: KT</td> </tr> <tr> <td>Reviewed on: 3/14/13</td> </tr> <tr> <td>Updates:</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 4 - Trevino</td> </tr> </table>	Reviewed by: KT	Reviewed on: 3/14/13	Updates:	Recommendation:	File 4 - Trevino
Reviewed by: KT								
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Updates:								
Recommendation:								
File 4 - Trevino								

Atty Koligian, Robert (for Ben Krikorian – Co-Petitioner)

Atty Glasrud, Donald H (for Aaron Krikorian – Co-Petitioner)

**Petition for Probate of Will and for Letters Testamentary; Authorization to
Administer Under IAEA (Prob. C. 8002, 10450)**

DOD: 12/03/2012		BEN KRIKORIAN and AARON KRIKORIAN, named co-executors without bond, are petitioners.	NEEDS/PROBLEMS/COMMENTS:
Cont. from		Full IAEA – o.k.	
<input type="checkbox"/>	Aff.Sub.Wit.	s/p	
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	Objections		
	Video Receipt		
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	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Estimated value of the Estate:
Personal property - \$203,000.00

Residence: Clovis
Publication: The Business Journal

Probate Referee: Steven Diebert

Note: If the petition is granted status hearings will be set as follows:

- **Friday, 08/23/2013 at 9:00a.m.**
in **Dept. 303** for the filing of the inventory and appraisal and
- **Friday, 05/23/2014 at 9:00a.m.**
in **Dept. 303** for the filing of the first account and final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

Reviewed by: LV
Reviewed on: 03/14/2013
Updates:
Recommendation: Submitted
File 5 - Goorigian

**Petition to Compel Trustee to Return Trust Property and Directing Distribution and
Termination of the Trust**

DOD: 1-2-07		HARRIS HAYS , Son of Settlor and Co-Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <p align="center"><u>SEE PAGE 2</u></p>
		<p>Petitioner states: The asset included in the trust was real property located at 747 E. Magill, Fresno. In addition, the decedent also had investments and a bank account. None of these items are listed in the Schedule A, however, the items have not been subject to any probate and therefore may be subject to the trust.</p> <p>Petitioner states that as a result of disagreement between the Co-Trustees, several years passed before trust assets could be divided or distributed. The Co-Trustees could not agree regarding sale of the home, only that Petitioner's son could reside there and take care of the maintenance.</p> <p>After several years, the Co-Trustees secured the services of Stanley Teixeira to assist in a mediated settlement to assist in closing the trust. After settlement, Petitioner spent several months investing his time, effort and unreimbursed expenses in renovating the home. Thomas Allen Hays lives out of county and was not involved in the process.</p> <p>The home sold in April 2012. Petitioner worked with the bank and title company to have two equal checks provided to Petitioner and Thomas Allen Hays as the bank would not allow for an additional trust account to be opened after Thomas Allen Hays previously closed the trust account without notice to Petitioner.</p> <p>Petitioner states the final trust asset that needed to be disposed of was a bank account held at Chase Bank with a balance of \$43,340.28 as of June 2012. On 6-13-12, Thomas Allen Hays withdrew all funds without noticing Petitioner. Petitioner did not receive notice until receiving the bank statement the following month (attached).</p> <p>Petitioner requests the Court enter an order that:</p> <ol style="list-style-type: none"> 1. Elizabeth H. Hays established the Elizabeth H. Hays Living Trust, an irrevocable trust, on or about 7-16-89; 2. The trust was established for a lawful purpose; 3. The Co-Trustees are Harris H. Hays and Thomas Allen Hays; 4. The beneficiaries are Harris H. Hays and Thomas Allen Hays; 5. It was the intent of the Settlor that the trust assets be distributed 50/50 to her children Harris H. Hays and Thomas Allen Hays; 6. The funds removed from the Chase Bank Account on 6-13-12 by Thomas Allen Hays be returned until further distribution determination; 7. Distribution of the remaining trust estate is to occur and the trust is terminated; 8. For all other proper relief as the Court deems proper under the circumstances. 	
	Aff.Sub.Wit.		
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	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCC/JEA		
	Citation		
	FTB Notice		

Reviewed by: skc

Reviewed on: 3-15-13

Updates:

Recommendation:

File 6 - Hays

NEEDS/PROBLEMS/COMMENTS:

1. Examiner notes the following circumstances according to the petition and attached documents:

- The trust specifically includes only the residence (in the body of the trust document), and attaches only a quitclaim deed. There is no Schedule A, nor reference to any Schedule A, or the possibility of future addition of assets to the trust. It appears to be specifically created for the residence only. Need clarification, as it does not appear that the decedent intended to include any other assets in the trust other than the residence.
- The decedent's will is not a pour-over will. The will devises the decedent's assets equally to her two sons outright. Even though the will was created on the same day as the trust, 7-16-98, and by the same attorney (Charles L. Reed), there is no mention of the trust whatsoever in the will. Need clarification, as it does not appear that the decedent intended for any other assets, other than the residence, to be included in the trust.
- The settlement agreement refers to a "trust bank account" at Chase, but does not provide identifying information.
- Petitioner does not allege that the subject account contained funds from the sale of the residence, which was a trust asset. Rather, Petitioner alleges that the funds from the sale were distributed outright since the "trust account" had been closed. Need clarification as to how the subject account was or became a "trust account."
- The bank account that Petitioner attaches does not indicate ownership by the trust. Rather, it indicates joint ownership between the decedent and Petitioner. Need clarification. If this was a joint account, then it would pass via joint tenancy, unless circumstances warrant probate distribution or other action.

2. **Petitioner states:** "In addition to the property located at Magill Ave., the decedent had investments and a bank account. None of these items are listed in the Schedule A; however, the items have not been subject to any probate proceedings and therefore **may** be subject property to the trust."

Examiner notes that it does not appear per the documentation and circumstances presented that this bank account was a trust asset. Petitioner may wish to consider whether this action would be more appropriately filed as a civil matter between the brothers, or other probate action, such as a probate of the decedent's estate.

If this matter goes forward:

3. The petition does not contain the address of Co-Trustee Thomas Hays (states: to be provided via declaration). **Need verified declaration with address pursuant to Probate Code §17201.**
4. Petitioner states venue is proper in Fresno as the principals reside in Fresno County, is situs of the real property, and residence of the trustor and trustee; however, the Petition states at #11 that the Co-Trustee lives out of county and notice was sent to Co-Trustee Thomas Hays at an address in San Jose, CA. **Need clarification regarding proper venue with reference to Probate Code §17005 (principal place of administration).**

Atty Capata, Julian Eli (for Anna Noriega Chavez – Executor)

Probate Status Hearing Re: Filing Final Distribution

DOD: 8/2/1978	ANNA NORIEGA CHAVEZ was appointed Executor without bond and without IAEA powers on 9/12/1978.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 120312, 022513	Inventory and appraisal filed on 11/5/2009 shows the value of the estate as \$40,000.00.	CONTINUED FROM 02/25/13
Aff.Sub.Wit.	Maria J. Noriega de Torres, daughter, filed a Petition for Order directing Personal Representative to Act on 04/06/12 requesting to purchase the real property of the estate for \$55,000.00 cash.	Minute Order from 02/25/13 states: Barbara Juarez, one of the beneficiaries is present in court. The Court notes for the minute order that Julian Capata is not present nor has there been a request for a continuance. Matter is continued to 03/25/13. The Court orders Julian Capata to either be personally present on 03/25/13 or appear telephonically.
Verified		
Inventory		
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Notice of Hrg		
Aff.Mail		
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Pers.Serv.		
Conf. Screen	Minute Order from hearing on 08/07/12 states: The court accepts Petitioners all cash offer of \$66,000.00 with no inspection and 30 day escrow. The century 21 realtor will receive a 3% commission of the difference from the posting price to the over-bid price in the amount of \$330.00. Petitioner provided Mr. Capata a cashier's check for down payment in the amount of \$7,000.00. Mr. Capata will prepare a new Order. This status hearing for filing of the Petition for Final Distribution and Order was set for 12/03/12.	As of 03/18/13, nothing further has been filed in this matter and the following remains outstanding: 1. Need Petition for Final Distribution.
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA	Order Confirming Sale of Real Property was filed 09/18/12.	
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 03/18/13
		Updates:
		Recommendation:
		File 7 - Massoumi

		<p>ERIC SMITH was appointed Successor Trustee of the Elizabeth R. Conroy Revocable Trust for the limited purpose of selling the property located at 1895 E. Brandon Avenue in Fresno on 2-4-13.</p> <p>On 2-4-13, the Court also ordered that the proceeds from the sale shall be held and not distributed pending further instructions from the Court.</p> <p>The Court set this status hearing for the filing of further petition for instruction and distribution.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note re history: Mr. Smith previously stated that <u>a copy of the trust has not been found</u>; however, he is the only child of the decedent and the title to the house reflected that it was held in trust. Mr. Smith filed a petition to be appointed as trustee, as he needed to sell the house because it was sitting vacant, etc. The Court appointed him for the sole purpose of completing the sale, and set this status hearing for further petition.</p>
Aff.Sub.Wit.			
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Inventory			
PTC			
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Notice of Hrg			
Aff.Mail			
Aff.Pub.			
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Objections			
Video Receipt			
CI Report			
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Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 3-15-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 - Conroy</p>	

Atty Washington, Tanya (pro per Guardian/maternal aunt)

Atty Loftis, Kimberly (pro per Petitioner/mother)

Petition for Termination of Guardianship

Age: 16 years		KIMBERLY LOFTIS , mother, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof service fifteen days prior to the hearing of the Notice of Hearing along with the Petition for Termination of Guardianship or declaration of due diligence for the following: <ul style="list-style-type: none"> • Tanya Washington (Guardian) • Clyde Foster (minor) • Clyde Foster (Father) • Paternal Grandparents (Unknown) • Felson Washington (Maternal Grandfather) • Dorothy Washington (Maternal Grandmother)
		TANYA WASHINGTON , maternal aunt was appointed guardian on 02/11/2011.	
Cont. from		Father: Clyde Foster	
	Aff.Sub.Wit.		
✓	Verified	Paternal Grandparents: Unknown	
	Inventory	Maternal Grandfather: Felson Washington	
	PTC	Maternal Grandmother: Dorothy Washington	
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
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	Letters		
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	Video Receipt		
✓	CI Report		
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✓	Order		
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	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 3/15/13
			Updates: 3/19/13
			Recommendation:
			File 9 - Foster

Probate Status Hearing Re: Filing of the First Account or Petition for Final
Distribution (Prob. C. §12200, et seq.)

Age:		NEEDS/PROBLEMS/COMMENTS:
DOD:		
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FTB Notice		
		<p><u>OFF CALENDAR</u></p> <p>Order Settling Report of Administrator of Insolvent Estate was filed 1-17-13.</p>
		Reviewed by: skc
		Reviewed on: 3-15-13
		Updates:
		Recommendation:
		File 10 - Ables

Age: 14 <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 10%;"></td><td style="width: 80%;">Aff.Sub.Wit.</td><td style="width: 10%;"></td></tr> <tr><td>✓</td><td>Verified</td><td></td></tr> <tr><td></td><td>Inventory</td><td></td></tr> <tr><td></td><td>PTC</td><td></td></tr> <tr><td></td><td>Not.Cred.</td><td></td></tr> <tr><td></td><td>Notice of Hrg</td><td>X</td></tr> <tr><td></td><td>Aff.Mail</td><td>X</td></tr> <tr><td></td><td>Aff.Pub.</td><td></td></tr> <tr><td></td><td>Sp.Ntc.</td><td></td></tr> <tr><td></td><td>Pers.Serv.</td><td>X</td></tr> <tr><td>✓</td><td>Conf. Screen</td><td></td></tr> <tr><td>✓</td><td>Letters</td><td></td></tr> <tr><td>✓</td><td>Duties/Supp</td><td></td></tr> <tr><td>✓</td><td>Objections</td><td></td></tr> <tr><td></td><td>Video Receipt</td><td></td></tr> <tr><td></td><td>DSS Report</td><td>X</td></tr> <tr><td></td><td>Clearances</td><td>X</td></tr> <tr><td>✓</td><td>Order</td><td></td></tr> <tr><td></td><td>Aff. Posting</td><td></td></tr> <tr><td></td><td>Status Rpt</td><td></td></tr> <tr><td>✓</td><td>UCCJEA</td><td></td></tr> <tr><td></td><td>Citation</td><td></td></tr> <tr><td></td><td>FTB Notice</td><td></td></tr> </table>		Aff.Sub.Wit.		✓	Verified			Inventory			PTC			Not.Cred.			Notice of Hrg	X		Aff.Mail	X		Aff.Pub.			Sp.Ntc.			Pers.Serv.	X	✓	Conf. Screen		✓	Letters		✓	Duties/Supp		✓	Objections			Video Receipt			DSS Report	X		Clearances	X	✓	Order			Aff. Posting			Status Rpt		✓	UCCJEA			Citation			FTB Notice		TEMPORARY EXPIRES 3-25-13 MEREDITH WOODWARD McDONALD , non-relative (friend of the mother), is Petitioner. Father: MICHAEL McCLERKIN BYRD - Present at Temp hearing - Objection filed 3-15-13 Mother: PAMELA LYNN MEYERS Paternal grandfather: Unknown Paternal grandmother: Linda Byrd Maternal grandfather: Allen E. Meyers Maternal grandmother: Nancy C. Meyers Siblings: Annika (12), Logan (9) Petitioner alleges the minor is currently residing with the father. The minor's parents are abusive and have caused her physical injuries for years. The Petition alleges that the minor lives in constant fear and endures daily stress from verbal and emotional abuse in addition to physical abuse. Petitioner states the likelihood of the abuse stopping is nil. Michael Byrd (Father) filed Objection on 3-15-13. <div style="text-align: center;"><u>SEE PAGE 2</u></div> DSS Social Worker to provide report, clearances (Probate Code §1513(c). Court Investigator: Jo Ann Morris	NEEDS/PROBLEMS/COMMENTS: Minute Order 2-4-13: Michael Byrd objects to the petition. Court Investigator JoAnn Morris is sworn for further inquiry by the Court. Based on the on-going CPS involvement, the Court finds that it is in the best interest of the minor to have Ms. McDonald as the temporary guardian. The petition is granted. The temporary expires on 3/25/13. The General Hearing remains set for 3/25/13. The Court orders that the minor be released to Ms. McDonald forthwith. Ms. McDonald is ordered to ensure that the minor continues participating in whatever therapy she is currently receiving. Petition is granted before Court Trial. Order signed. Temporary Guardianship Letters extended to 3/25/13. Note: There is a presently pending custody matter Family Court Case No. 06CEFL03593 that was continued pursuant to stipulation of the parties to 4-16-13 on 1-14-13, which is prior to the filing of this guardianship petition. Therefore, the Probate Court may not have jurisdiction pursuant to Local Rule 7.15.7. <u>If this matter goes forward, the following issues exist: SEE ADDITIONAL PAGES</u> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Reviewed by: skc</td></tr> <tr><td>Reviewed on: 3-15-13</td></tr> <tr><td>Updates:</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>File 11 – Byrd</td></tr> </table>	Reviewed by: skc	Reviewed on: 3-15-13	Updates:	Recommendation:	File 11 – Byrd
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File 11 – Byrd																																																																												

Objection by Michael Byrd (Father) states there are several reasons why this petition should be granted; however, more prevailing is the issue of appropriate forum for these issues to be heard. There is currently a family law action 06CEFL03593 prevailing with direct regard to this minor. The next hearing is scheduled for 4-16-13. **Pursuant to Cal. Rules of Court 3.300(h) Father requests this Probate action be denied and the custody of Meredith Meyers Byrd be heard in family court.**

Father provides history of the case and details the custody battle between the parents concerning their three children. Father states issues are being addressed in the family law action. Petitioner states that in the fall of 2012, CPS was called as a result of the mother slapping Meredith. A TDM occurred and the CPS case was closed with a plan to assist the mother in not repeating that type of behavior. The case is now closed and CPS is not attending to our familial situation. There has been turmoil in the family, but not because of lack of regard for the children, because of difference of opinion between the parents. There is currently a 50/50 custody order with both parents having joint legal and physical custody of all three children.

Father states that on 1-4-13, Meredith and her mother had a heated argument which resulted in Meredith failing to come home after going to the Petitioner's house. Over the next three days, police were contacted, searches were conducted, and repetitive visits to Petitioner's home were completed to find Meredith. Eventually, Petitioner came clean and turned her over to the police. As a result, Clovis PD called CPS. Meredith was placed with a family member. A meeting was scheduled with CPS to assist the family.

Father states that during this time, the parents and Meredith were all unaware that the petitioner had filed for guardianship. Meredith was perfectly fine with a relative and was going to be returning home. However, after receiving the ex parte order for temporary guardianship, Petitioner picked up Meredith and has had her ever since.

Father states that he has had minimal visitation since the beginning of this action, and can talk with Meredith over the phone, but Petitioner indicates she is not comfortable with visits. Before the Court hearing on guardianship, Father states he had never met Petitioner. He understands she is the mother of one of Meredith's friends, but that is all he knows. Father states he is actively involved in Meredith's life and finds it interesting that Petitioner did not even try to communicate with the parents prior to filing these petitions.

Father refers to Family Code §3041 and *Guardianship of Jenna G. (1998) 63 CA4th 387* with regard to **"clear and convincing evidence"** that custody to the parent would be detrimental, and award to the nonparent would be in the child's best interest.

In the present matter, **Petitioner, a non-relative that has no formal relationship with the parents or family**, cannot provide any evidence that the child is in danger, physical, mentally, or emotionally, or that her well-being will not be provided for. There is no argument that there are some issues to be worked out, but that does not include moving her to a friend's home with minimal visitation. Father understands that it may cause the Court concern that CPS was involved, but states there was an investigation and no further action proceeded. It is time to return Meredith to her family so they can work out their custodial issues through the family court.

Father prays the petition be denied.

NEEDS/PROBLEMS/COMMENTS:

1. Need DSS Report pursuant to Probate Code § 1513(c).
2. Need Notice of Hearing.
3. Need proof of personal service of Notice of Hearing at least 15 days prior to the hearing per Probate Code § 1511 on:
 - Michael Byrd (Father)
 - Pamela Lynn Meyers (Mother)
4. Need proof of service of Notice of Hearing at least 15 days prior to the hearing per Probate Code § 1511 or consent and waiver of notice or declaration of due diligence on:
 - Meredith Byrd (minor, age 14)
 - Annika Byrd (sibling, age 12)
 - Paternal Grandfather (name not listed)
 - Linda Byrd (paternal grandmother)
 - Allen E. Meyers (maternal grandfather)
 - Nanci C. Meyers (maternal grandmother)

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820,
1821, 2680-2682)

Age: 95		CAROL SANDERSON , Sister, is Petitioner and requests appointment as Conservator of the Person with medical consent powers. Voting rights affected Declaration filed 2-19-13 contains Pages 2-3 of a Capacity Declaration. Petitioner states she was appointed Guardian of the proposed Conservatee in Michigan in 1970 after their mother passed away. Attached order from Oakland County Circuit Court dated 1-4-13 orders Petitioner to apply for guardianship in California. Court Investigator Charlotte Bien filed a report on 3-6-13.	NEEDS/PROBLEMS/COMMENTS: <u>Court Investigator advised rights on 2-26-13</u> <u>Voting rights affected – need minute order</u> 1. The Court may require the <u>complete</u> capacity declaration. 2. Need Video Receipt per Local Rule 7.15.8.				
	Aff.Sub.Wit.						
✓	Verified						
	Inventory						
	PTC						
	Not.Cred.						
N/A	Notice of Hrg						
	Aff.Mail						
	Aff.Pub.						
	Sp.Ntc.						
✓	Pers.Serv.	W					
	Conf. Screen						
✓	Letters						
✓	Duties/Supp						
	Objections						
	Video Receipt	X					
✓	CI Report						
	9202						
✓	Order						
	Aff. Posting						
	Status Rpt						
	UCCJEA						
✓	Citation						
	FTB Notice						
<table border="1"> <tr><td>Reviewed by: skc</td></tr> <tr><td>Reviewed on: 3-15-13</td></tr> <tr><td>Updates:</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>File 12 - Ormsby</td></tr> </table>			Reviewed by: skc	Reviewed on: 3-15-13	Updates:	Recommendation:	File 12 - Ormsby
Reviewed by: skc							
Reviewed on: 3-15-13							
Updates:							
Recommendation:							
File 12 - Ormsby							

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

Michael, age 2		GENEARL HEARING 5-8-13	NEEDS/PROBLEMS/COMMENTS:
Elias, age 4			
		FRANCES JUAREZ , Paternal Great-Grandmother, is Petitioner.	Note: This petition is for Michael only. The petition at Page 13B is for Elias (different petitioner – a nonrelative).
		<u>Need Child Information Attachment</u> Father: MICHAEL ANGELO CHAVEZ - Served w/ Petition only at Fresno County Jail	1. Need Child Information Attachment to Petition Form GC-210(CA). This form contains the list of the child's relatives and other pertinent information required pursuant to Probate Code §1510. 2. Need Notice of Hearing. 3. Need proof of personal service of Notice of Hearing with a copy of this temporary petition at least five court days prior to the hearing on the parents pursuant to Probate Code §2250(e) or consent and waiver of notice or declaration of due diligence on: - Michael Angelo Chavez (Father) - Angelique Villaluz (Mother)
<input type="checkbox"/>	Aff.Sub.Wit.	Mother: ANGELIQUE VILLALUZ - Declaration of Diligence filed 3-20-13	Note: Proof of service indicates the father was served with the petition only (no Notice of Hearing) at the Fresno County Jail. Note: Declaration of Diligence filed 3-18-13 indicates a deputy went to a residence but was told the mother was no longer staying there. Examiner notes that the declaration does not indicate any attempts by the <u>Petitioner</u> to locate the mother.
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	Paternal Grandfather: Not listed Paternal Grandmother: Not listed Maternal Grandfather: Not listed Maternal Grandmother: Not listed	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Petitioner states Michael has lived with her since 11-10-12. The mother is homeless and uses methamphetamines. She has a hearing on 3-12-13 in Dept. 13 for PC §273a(b)-Child Abuse, Case No. M12912444. She does not properly care for the child, smokes methamphetamines while he is locked in a room with her, has no place to call home, and is currently in trouble for child abuse. Michael is safe with Petitioner and all issues are taken care of to the best of Petitioner's ability.	
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail	Petitioner states Michael had numerous issues related to being born addicted to methamphetamines, including behavioral, emotional, and speech problems. Temporary guardianship is necessary for medical and dental care and assessment. Michael is in deep need of care. His parents are not taking care of even the bare bones basics of his healthcare needs, much less the emotional needs of being born with methamphetamines in his system.	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	The father is currently incarcerated in the Fresno County Jail and there is no indication of when he will be released. Petitioner states the father is in agreement with Petitioner as guardian.	
<input type="checkbox"/>	Pers.Serv.		
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
<input type="checkbox"/>			

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

Michael, age 2 DOB: 10-26-10	GENERAL HEARING 5-8-13 MARIA SYLVIA CANO , non-relative ("Godmother"), is Petitioner. Father: TONY LOPEZ - Consents and waives notice Mother: ANGELIQUE VILLALUZ Paternal Grandfather: Miguel Lopez Paternal Grandmother: Sabina Zamerippa Maternal Grandfather: Anthony Flores (deceased) Maternal Grandmother: Pauline Picaso Petitioner states she is the Godmother of Elias and has had custody since Sept. 2012. The father is currently incarcerated in Fresno County Jail on a parole warrant and is due for release on 3-21-13. The father consents to guardianship. The mother is a homeless and active methamphetamines user. Temporary guardianship is necessary because Elias has numerous issues related to being born addicted to methamphetamines and needs medical and dental attention and assessment with EPU.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> This petition is for Elias only. The petition at Page 13A is for Michael (different petitioner). 4. Need Notice of Hearing. 5. Need proof of personal service of Notice of Hearing with a copy of this temporary petition at least five court days prior to the hearing on the parents pursuant to Probate Code §2250(e) <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Angelique Villaluz (Mother)	
Elias, age 4 DOB: 7-24-08			
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			X
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			X
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
Reviewed by: skc Reviewed on: 3-15-13 Updates: Recommendation: File 13B – Chavez & Flores			

Atty Raygoza, Gilberto (pro per Petitioner/maternal grandfather)

Atty Raygoza, Martha E. (pro per Petitioner/maternal grandmother)

Petition for Appointment of Temporary Guardian of the Person

Isaac age: 9 years	Temporary granted Ex parte on 3/11/13 TEMPORARY EXPIRES 3/25/2013	NEEDS/PROBLEMS/COMMENTS:
Bryan age: 6 years		
	GENERAL HEARING 5/13/13	
	GILBERTO RAYGOZA and MARTHA RAYGOZA , maternal grandparents, are petitioners.	
Cont. from	Father: JAVIER CERVANTES	
Aff.Sub.Wit.	Mother: CRYSTAL RAYGOZA	
✓ Verified	Paternal grandfather: Augustine Cervantes	1. Need proof of personal service of the Notice of Hearing along with a copy of the Temporary Petition or Consent and Waiver of Notice or Declaration of Due Diligence on:
Inventory	Paternal grandmother: Hermelinda Cervantes	a. Javier Cervantes (father)
PTC		b. Crystal Raygoza (mother)
Not.Cred.		
✓ Notice of Hrg	Petitioners state the father separated from the mother and the children. Mother is using the family funds on drugs. She fails to provide the necessities for the children because her priority is her substance abuse. CPS went out after it was reported that she had no PG&E. Now mom is threatening with taking the children from the petitioners therefore an emergency temporary is needed.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	X	
✓ Conf. Screen		
Letters		
✓ Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
✓ UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 3/15/13
		Updates: 3/18/13
		Recommendation:
		File 14 - Cervantes